

NO. 29512

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAII

LESLIE A. AMONG, Plaintiff-Appellant, v.
HARRY J. SCHWENKER, CITY AND COUNTY OF HONOLULU, a Municipal
Corporation, HONOLULU POLICE DEPARTMENT, LEE DONOHUE,
Chief of Police, OFFICER KYLE HO, OFFICER DAN NAKASATO,
OFFICER BENJAMIN MAHI, OFFICER TRACY DANTSUKA, GMR LLC,
PHIL RUSSELL AND ASSOCIATES, LTD., HONOLULU NEIGHBORHOOD
HOUSING SERVICES, INC., PETER B. CARLISLE, Chief of the
Office of the Prosecuting Attorney of the City and County
of Honolulu, KEVIN S. TERUYA, Prosecuting Attorney of
the Office of the Prosecuting Attorney of the City
and County of Honolulu, BOISSE P. CORREA, Chief
of Police; NYLE DOLERA, Acting Major, Internal Affairs,
DEPARTMENT OF INTERNAL AFFAIRS of the Police
Department of the City and County of Honolulu,
Defendants-Appellees, and D.H. GRAHAM COMPANY, LTD.,
JOHN DOES 1-9, JANE DOES 1-9, DOE PARTNERSHIPS 1-10,
DOE CORPORATIONS 1-9, ROE "NON-PROFIT" CORPORATIONS 1-10,
and ROE GOVERNMENTAL ENTITIES 1-9, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE FIRST CIRCUIT
(CIVIL NO. 05-1-1108)

SUMMARY DISPOSITION ORDER

(By: Nakamura, Chief Judge, Foley and Leonard, JJ.)

Plaintiff-Appellant Leslie A. Among (**Among**) appeals
from the Circuit Court of the First Circuit's (**Circuit Court**)
Judgment Pursuant To Special Verdict, in favor of Defendants-
Appellees Harry J. Schwenker, City and County of Honolulu,
Honolulu Police Department (**HPD**) Officer Kyle Ho, HPD Officer
Tracy Dantsuka, HPD Officer Benjamin Mahi, HPD Officer Dan

Nakasato, GMR LLC, Phil Russell and Associates, Ltd., Honolulu Neighborhood Housing Services, Inc., Prosecutor Keith Kaneshiro, Deputy Prosecutor Kevin S. Teruya, HPD Police Chief Louis M. Kealoha, Acting Major, HPD Internal Affairs, Nyle Dolera, and HPD Department of Internal Affairs, and against Among, filed on November 12, 2008, in the Circuit Court of the First Circuit **(Circuit Court)**.¹

Among raises five points of error on appeal, arguing that the Circuit Court erred by:

(1) Denying his Motion For Summary Judgment and Motion For Reconsideration because, as a matter of law, the police lacked probable cause to arrest him;

(2) Declining to apply State v. Keawe, 107 Hawai'i 1, 108 P.3d 304 (2005);

(3) Denying the admission of Among's Exhibits 16, 17, at 18;

(4) Declining to adopt Among's Proposed Jury Instructions and Proposed Special Verdict Forms; and

(5) Denying Among's motion *in limine* to exclude a report of an alleged knife incident between Among and Schwenker.³

Upon careful review of the record and the briefs submitted by the parties and having given due consideration to the arguments advanced and the issues raised by the parties, we conclude that Among's contentions have no merit.

¹ The Honorable Eden E. Hifo presided.

² Pursuant to Hawai'i Rules of Appellate Procedure (**HRAP**) Rule 43(b), Keith Kaneshiro and Louis M. Kealoha are substituted for former Chief of the Office of the Prosecuting Attorney of the City and County of Honolulu and Chief of Police, respectively.

³ Among's "Points On Appeal" fail to comply with HRAP Rule 28(b)(4), as they do not state where the alleged errors occurred and were objected to, nor do they include "a quotation of the grounds urged for the objection and the full substance of the evidence admitted or rejected[,]" as it relates to his evidentiary point of error, as required by HRAP Rule 28(b)(4)(A).

Accordingly, the Circuit Court's November 12, 2008
Judgment Pursuant to Special Verdict is affirmed.

DATED: Honolulu, Hawai'i, December 22, 2011.

On the briefs:

Terry G. Oppermann
for Plaintiff-Appellant

Chief Judge

Kyle K. Chang
Curtis E. Sherwood
for Defendants-Appellees
City and County of Honolulu,
Kyle Ho, Tracy Dantsuka,
Benjamin Mahi, Dan Nakasato,
and Nyle Dolera

Associate Judge

Associate Judge